

UNITED STATES DISTRICT COURT **FILED**for the
Northern District of Texas**November 7, 2022**
KAREN MITCHELL
CLERK, U.S. DISTRICT
COURTIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 3:22-MJ-1041-BK

INFORMATION ASSOCIATED WITH FACEBOOK ACCOUNT
www.facebook.com/FredieGuerra (ID 100000583978330) THAT IS
STORED AT PREMISES CONTROLLED BY META PLATFORMS, INC.**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C § 875*Offense Description*
Threats via Interstate Communications

The application is based on these facts:

See attached Affidavit of Special Agent Meghan De Amaral

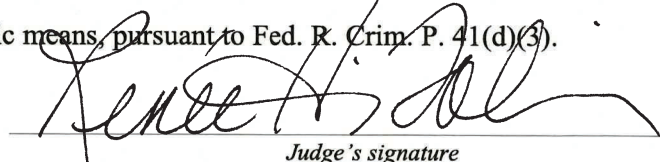
- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Applicant's signature*

Meghan De Amaral, FBI SA

Printed name and title

Agent sworn and signature confirmed via reliable electronic means, pursuant to Fed. R. Crim. P. 41(d)(3).

Date: November 7, 2022*Judge's signature*City and state: Dallas, Texas

RENÉE HARRIS TOLIVER, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK ACCOUNT
**www.facebook.com/FredieGuerra (ID
100000583978330)** THAT IS STORED AT
PREMISES CONTROLLED BY META
PLATFORMS, INC.

Case No. 3:22-MJ-1041-BK

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Meghan De Amaral, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. (“Meta”), a company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in **Attachment A**. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Meta to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the account.

2. I am a Special Agent with the Federal Bureau of Investigation and have been since July 2020. I am currently assigned to the Dallas Division, where I serve on the North Texas Joint Terrorism Task Force (NTJTTF). In this capacity, I am responsible for investigating domestic terrorism cases, including, but not limited to, weapons of mass destruction violations, racially motivated acts of violence, and militia/anti-government extremists. I have received

training in domestic and international terrorism; computers, ransomware, and digital evidence; financial analysis and investigative methods and applications, to include cryptocurrency; techniques for disguising and transmitting the proceeds of illegal activities; and asset forfeiture. I have participated in investigations regarding domestic and international terrorism, violent and narcotics-related crimes, and crimes against children, and within these areas, I have experience investigating criminal violations including Conspiracy, Interstate Communications and Threats, Computer Intrusion, Stalking, and False Information and Hoaxes. These investigations have involved the use of methods such as physical surveillance, cooperating witnesses, financial and telephone toll record analysis, the execution of search and arrest warrants, and the debriefing of witnesses and subjects. I also have experience in the review of evidence obtained during the execution of search warrants.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C § 875 (threats via interstate communications) have been committed by **FREDIE OMAR GUERRA** (“GUERRA”). There is also probable cause to search the information described in **Attachment A** for evidence of these crimes, as described in **Attachment B**.

PROBABLE CAUSE

GUERRA's 2020 Facebook Threats and April 9, 2020 Arrest

5. On March 23, 2020, the FBI National Threat Operations Center was alerted to comments made by **GUERRA** regarding plans to commit a mass shooting. The reporting party had observed **GUERRA**'s online threats to a third party, which included photos of assault rifles, and had previously attempted to notify local law enforcement. Per the reporting party, who provided screenshots of **GUERRA**'s threats to the FBI, **GUERRA** idolized mass shooters and wanted his mass shooting to be the "best." **GUERRA** also wrote a manifesto initially identifying March 22, 2020, as a target date for the shooting, to pattern himself after previous mass shootings committed on the dates of May 23 and April 23.

6. Following investigation by the FBI, **GUERRA** was Apprehended by a Police Officer Without a Warrant (APOWW) by Garland Police Department officers and checked into Garland Behavioral Hospital (GBH) on March 25, 2020.

7. Upon his release from GBH on April 9, 2020, **GUERRA** was arrested by Garland Police Department and charged with Terroristic Threat, a third-degree State felony. **GUERRA** was thereafter released on bond.

8. Investigative material, including returns from a previous search warrant issued to Facebook by the Garland Police Department for records of Facebook account number 100000583978330, confirmed that account number 100000583978330 corresponded with the Facebook account with display name "Freddie Guerra" (<https://www.facebook.com/FreddieGuerra>), the Facebook account of **GUERRA**. Facebook's response to the warrant returned records from November 1, 2019, to March 26, 2020, and showed that as early as November 2019, **GUERRA** sent messages on Facebook indicating that

he felt like an involuntary celibate (incel) and he positively referenced incel attacks. As indicated below, **GUERRA**'s communications on Facebook demonstrate his persisting idolization of mass shooters, including Elliot Rodger, who perpetrated his mass shooting on May 23, 2014; Nikolas Cruz, who perpetrated his mass shooting on February 14, 2018; and Alek Minassian, who perpetrated his shooting on April 23, 2018.

Background on Self-Identifying "Incels" and GUERRA's Idolization of Incel Mass Shooters

9. Notably, **GUERRA**'s previous plans to commit a mass shooting on March 22, 2020, which led to his April 9, 2020, arrest, were based on the murders committed by self-described incel individuals Elliot Rodger and Alek Minassian on May 23, 2014, and April 23, 2018, respectively. **GUERRA**, incorrectly believing Rodger's killings were committed on May 24, intended to continue a pattern of violence against those he felt deprived him of romantic affection and attention, especially women – Rodger's attack was on May 23 (though **GUERRA** believed it was May 24), Minassian's was a month earlier on April 23, and **GUERRA**'s mass shooting would therefore follow the same pattern and occur one-month and one-day earlier, on March 22.

10. Based on my experience and this investigation to date – including review of social media, forum-based websites, and publicly available news articles – and collaboration with other law enforcement officers, I have learned, among other things, that the term "involuntary celibate," more commonly known as "incel," refers to an informal group or community centered on the belief that society unjustly denies its members sexual or romantic attention, to which they believe they are entitled. The incel community is primarily an online community composed of individuals — most of whom are men — who blame political or social movements, such as feminism, for empowering others to deny them romantic or sexual attention. Through online

activity and, in some instances, physical violence, incels primarily target those who they believe are unjustly denying them sexual or romantic attention. In many instances, these targets are women, but incels have also targeted and/or attacked men who they feel have stolen the attention of women to whom the incel(s) feel entitled. Incels have conducted at least five lethal attacks in the United States and Canada since 2014, resulting in 28 deaths.

11. Those self-identifying as incels commonly utilize the Internet to find anonymous support, registering profiles on various websites and messaging / chat platforms, ultimately comprising so-called incel communities. Themes of failure and frustration – along with anger, hate, and violent threats, such as calls to “go Elliot Rodger”¹ are common on incel forums, which have been observed to incite or provoke so-called members of these communities towards engaging in tangible violence. For example, prominent self-identified incel Jack Peterson, known as “Jack Peterson”² on YouTube, has posted videos entitled “The Revelation test” and “God’s Lonely Man,” detailing his grievances driven by rejection and perceived mistreatment by women and other males. Jake Davison, a United Kingdom-based self-identified incel, also posted videos online and maintained an active profile on online platform Reddit. Davison killed five people – including a three-year-old girl – before killing himself in 2021. Just three weeks before conducting his attack and murders, Davison discussed firearms laws on Reddit; other posts included comments such as “mass shootings are new phenomena that cannot be directly blamed on guns” and “I can't attract women at all.”

Review of GUERRA Facebook Records

¹ “Go Elliot Rodger” is a reference to assuming the behavior of Elliot Rodger, whom incels generally regard as a sort of founding father of the incel community. Rodger attacked a sorority house and pedestrians in Santa Barbara, California with a knife, firearms, and a vehicle, killing 6 and injuring 14 victims. Prior to the attack, Rodger posted an online video titled “Elliot Rodger’s Retribution” and shared a written manifesto describing his grievances toward women and detailing a plan for their mass imprisonment and murder.

12. During a review of returns from a search warrant issued to Meta by the FBI for Facebook account number 100000583978330 on April 27, 2022, requesting records from February 14, 2018 through April 27, 2022, searches of terms “Elliott Rodger”; “Elliot Rodger”; “supreme gentleman”; “Nikolas Cruz”; and “Alek Minassian” yielded 320 matches; a search of the term “incel” yielded 438 matches; and a search of the term “mass shooting” yielded 34 matches (variation “shooting” yielded 108 matches). Additional review identified the following comments from **GUERRA** directed to his online associates, detailing **GUERRA**’s long-term idolization of mass shooters/shootings, especially those associated with involuntary celibate subculture, dating back to Elliot Rodger’s murder of 6 people and injury to 14 others on May 23, 2014:

“I’m ready to murder” ... “I’ve been thinking about murdering for years now ... decades actually” (May 26, 2018)

“the Incel movement is amongst us all hail the Supreme Gentleman Elliot Rodger ... all hail the supreme gentleman Elliot Rodger”

“I keep an open tab of Elliot Rodger’s Manifesto on my phone”

“man I vividly remember exactly where I was when the news of Elliot Rodger broke. instantly grew fascinated & they made me go see a therapist” (August 2, 2018)

“Elliot Rodger, his legacy will never be forgotten” (August 4, 2018)

“you know what this country needs. another mass shooting” (January 24, 2019)

“I. want a gun I. can conceal ... that’s shoots bullets fast ... a. weapon of mass. Destruction ... I want one of. those 3d printed guns made out of plastic” (January 27, 2019)

“that’s why I write manifestos” (April 7, 2019)

“see when you have low self esteem it makes it easier to go all. Elliot Rodger in you guys on May 23 2019 for the 5 year anniversary of. the day of retribution” (April 19, 2019)

“I like how I come across as a completely harmless individual. little do they know I’m about to go all Elliott Rodger on all their bitch asses” (May 23, 2019)

“elliot rodger just spoke more to me. it resonated.”

“sometimes you gotta be the loudest on the room [if] you wanna be heard ... and that’s what mass shooters do, they just wanna be heard” (June 19, 2019)

**“I still wake up everyday thinking about guns and going on a mass shooting.”
“so I was thinking of bombs too because those you don’t have to shoot ... you can just strategically place explosives” (December 28, 2019)**

“I wanted to shoot up a church or restaurant”

“Elliot Rodger did his shooting on May 24, then Alek Minassian did his mass murder on April 23, so I figured March 22 is the next proper date” (March 19, 2020)

“I was going to attack a church or a restaurant but had to cancel due to the pandemic and everything being closed. well that’s when the FBI found me and took me in.” “today is three months since March 22” (June 22, 2020)

“I told them I’m a villain and they got me on terroristic threat with attempted capital murder” (August 31, 2020)

**“I think I need to check myself into the mental rehabilitation hospital again.”
“I stopped taking all my meds a couple of months ago because I didn’t wanna live like that anymore.” (July 12, 2021)**

“I didn’t get to actually shoot up the school. FBI intelligence got me before I could execute the plan. ... I wanted to kill 20 civilians 4 police officers & then myself.” (July 14, 2021)

“I’ve been struggling with my drug addictions still.”

“I quit meth but I’m on cocaine now.”

“I know I’m incel but most people don’t. us incels hide it well” (October 21, 2021)

The nature and frequency of GUERRA’s conversations observed from 2018 through 2022 point to a longstanding familiarity with several identified associates; moreover, the types of comments made to those associates and their subsequent responses indicate a continuing pattern of rhetoric and threats.

GUERRA's October 21, 2021 Facebook Threats and October 24, 2021 Arrest

13. At approximately 12:17pm on October 21, 2021, **GUERRA** sent the following messages via Facebook, account number 100000583978330, to an individual who later reported the conversation to law enforcement:

“I had court today. the psychiatrist found out I’m an incel.”
“& they’re sending me to rehab most likely”

14. At approximately 5:40pm on October 21, 2021, **GUERRA** subsequently sent a screenshot of the term “incel,” and went on to send the following messages to the same individual:

“I’m an involuntary celibate”
“basically I’ve been unable to find a gf”
“so I take my anger out on the world and everyone around me as responsible”
“it is yall fault”
“I’ve decided I’m gonna commit a mass shooting to make everyone pay for my troubles”

15. When asked by the individual why [he wanted to commit a mass shooting], **GUERRA** responded:

“I’ve lost the will to live. I just don’t care anymore. but most importantly I want to die a legend. & everyone remembers Elliot Rodger,^[2] Alek Minassian,^[3] & Nikolas Cruz,^[4] all the great mass shooters of our time. I want to be remembered like them.”
“I WILL NOT BE FORGOTTEN BY THE GREATS. ALL WILL REMEMBER THEM”
“I WILL REMEMBER THEM”

² On May 23, 2014, Elliot Rodger, conducted his attacks, also known as his “Day of Retribution” (previously detailed) with a knife, firearms, and a vehicle, killing 6 and injuring 14 victims.

³ On April 23, 2018, self-proclaimed incel Alek Minassian drove a rented van into a crowd in Toronto, Canada, killing 10 and injuring 15 victims. Prior to the attack, Minassian posted a social media message praising Elliot Rodger and promoting incel ideology.

⁴ On February 14, 2018, Nikolas Cruz perpetrated a mass shooting at his former high school, Marjory Stoneman Douglas High School, in Parkland, Florida, killing 17 people and injuring 17 other victims.

“I will die a legend.”
“I will be remembered”

16. On October 22, 2021, FBI Dallas received a call from Little Elm Police Department regarding threats of a mass shooting made via Facebook by **GUERRA**. Further investigation determined **GUERRA** made the threats, which mirrored similar threats **GUERRA** made in 2020, via Facebook Messenger, immediately following a court hearing in which **GUERRA** was identified by a mental health provider as an incel. Little Elm Police Department provided screenshots of the October 21, 2021 Facebook messages, later corroborated during an FBI interview of **GUERRA**.

17. On October 22, 2021, FBI Agents, in coordination with the Bureau of Alcohol, Tobacco, and Firearms (ATF), Garland Police Department, and Rowlett Police Department, located **GUERRA** at his parents’ home and questioned him. During the voluntary interview, **GUERRA** was advised of the strictures of 18 U.S.C § 1001 and denied having made any concerning or threatening statements. Only after repeated admonishments from law enforcement did **GUERRA** finally acknowledge having made the threats. **GUERRA** also provided consent to review the Facebook app on **GUERRA**’s phone, at which point your affiant located the messages **GUERRA** sent on October 21, 2021, describing plans to conduct a mass shooting (referenced above).

18. Furthermore, **GUERRA** has posted publicly available videos and photographs on Facebook account 100000583978330 identifying himself as “Freddie Guerra.” Your affiant has also reviewed screenshots from Facebook account “Freddie Guerra” submitted by multiple third parties who have identified that account as belonging to **GUERRA**.

19. Following the October 22, 2021, interview, **GUERRA** was again APOWW'd by Garland Police Department and taken to Methodist Richardson Hospital (MRH).

20. On October 24, 2021, **GUERRA** was released from MRH.

21. Later on October 24, 2021, **GUERRA** was again taken into Dallas County custody following revocation of bond F20224247 (for previous Terroristic Threat charges); **GUERRA** was held in Dallas County custody through June 16, 2022, at which time he was again released to house arrest with electronic leg monitoring and other restrictions, the terms of which included a condition prohibiting **GUERRA** from accessing the Internet.

22. Legal process issued to Meta on June 30, 2022, and returned to the FBI July 29, 2022, identified two logins to **GUERRA**'s Facebook account on June 25, 2022, in direct violation of **GUERRA**'s terms of release.

23. On October 18, 2022, **GUERRA** appeared for a state court hearing to review the conditions of his release pending trial; while **GUERRA** was allowed to resume work, his restriction from Internet access was upheld during the hearing.

24. An ongoing pen register / trap and trace order initiated on **GUERRA**'s Facebook account on October 18, 2022 reflects multiple logins to **GUERRA**'s Facebook account and messages sent to / from the account in direct violation of the sustained conditions of his release.

25. Adherents to the incel subculture demonstrate marked acts and/or threats of violence in furtherance of their social grievance. Furthermore, there is an apparent learning curve and parallels among and between incel terrorists. After Rodger's 2014 attacks, Minassian (who, like **GUERRA**, cited Rodger as inspiration), followed Rodger's lead in utilizing a vehicle to inflict mass injury and death; prior to his own mass shooting, Cruz posted a comment online stating "Elliot Rodger will not be forgotten." Based on your affiant's training and experience,

observation of **GUERRA**'s consistent pattern of threats to date, and the extent to which **GUERRA**'s communications and behavior mirror that of violent incel terrorists, it is not only likely that **GUERRA**'s threats will persist but also that such threats will only cease when finally realized through tangible violence.

Facebook

26. Meta owns and operates Facebook, a free-access social networking website that can be accessed at <http://www.facebook.com> or via mobile application ("app"). Facebook users can use their accounts to share communications, news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

27. Meta asks Facebook users to provide basic contact and personal identifying information either during the registration process or thereafter. This information may include the user's full name, birth date, gender, e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Each Facebook user is assigned a user identification number and can choose a username.

28. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

29. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

30. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. This portion of a particular user’s profile page is referred to as a “Wall,” which is a space where the user and/or his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

31. Facebook users can upload photos and videos to be posted on their Wall, included in chats, or for other purposes. Users can “tag” other users in posts, to include photo(s) or video(s), and can be tagged by others. When a user is tagged in a photo or video, he or she generally receives a notification of the tag and a link to see the photo or video.

32. Facebook users can use Facebook Messenger to communicate with other users via text, voice, and video chat functions. Meta retains instant messages and certain other shared Messenger content, unless deleted by the user, and also retains transactional records related to voice and video chats, including the date and times of each message, call, and/or video chat.

33. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

34. Facebook has a “like” feature that allows users to give positive feedback or connect to particular posts and/or pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

35. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

36. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

37. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

38. In addition to the applications described above, Meta provides users with access to thousands of other apps on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

39. Meta also retains records of which IP addresses were used by an account to log into or out of Facebook, as well as IP address used to take certain actions on the platform. For example, when a user uploads a photo, the user's IP address, along with a timestamp of the upload, is retained by Meta.

40. Meta retains location information associated with Facebook users under some circumstances, such as if a user enables "Location History," "checks-in" to an event, or tags a post with a location.

41. Social networking providers like Meta typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Meta about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

42. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's IP log, stored electronic communications, and other data retained by Meta, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a

residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Meta logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, location information retained by Meta may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

43. Therefore, the servers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

44. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant

to require Meta to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION


45. Based on the foregoing, I request that the Court issue the proposed search warrant.

46. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

47. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

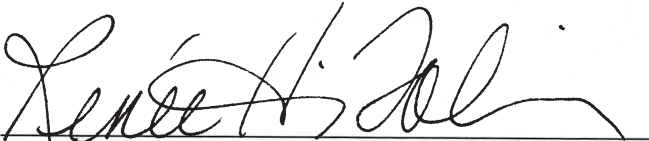
REQUEST FOR SEALING

48. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.



Respectfully submitted,
Meghan De Amaral
Special Agent
Federal Bureau of Investigation

Agent sworn and signature confirmed via reliable electronic means, pursuant to Fed. R. Crim. P. 41(d)(3) on the 7th of November, 2022.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with Facebook account “Freddie Guerra” (www.facebook.com/FreddieGuerra) account ID 100000583978330, that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Meta Platforms, Inc. (“Meta”)

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Meta, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Meta is required to disclose the following information to the government for the account ID listed in Attachment A:

- (a) All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user’s posts and other Facebook activities from **May 23, 2014 to February 14, 2018**, and **April 27, 2022 to November 7, 2022**.
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them from **May 23, 2014 to February 14, 2018**, and **April 27, 2022 to November 7, 2022**, including Exchangeable Image File (“EXIF”) data and any other metadata associated with those photos and videos;
- (d) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including

the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and any other information about the user's access and use of Facebook applications;

- (e) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string;
- (f) All other records and contents of communications and messages made or received by the user from **May 23, 2014 to February 14, 2018**, and **April 27, 2022, to November 7, 2022**, including all Messenger activity, private messages, chat history, video and voice calling history, and pending "Friend" requests;
- (g) All "check ins" and other location information;
- (h) All IP logs, including all records of the IP addresses that logged into the account;
- (i) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (j) All information about the Facebook pages that the account is or was a "fan" of;
- (k) All past and present lists of friends created by the account;
- (l) All records of Facebook searches performed by the account from **May 23, 2014 to February 14, 2018**, and **April 27, 2022 to November 7, 2022**;
- (m) All information about the user's access and use of Facebook Marketplace;
- (n) The types of service utilized by the user;

- (o) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (p) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (q) All records pertaining to communications between Meta and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

Meta is hereby ordered to disclose the above information to the government within **14** days of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C § 875 involving **FREDIE OMAR GUERRA** up to **November 7, 2022**, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Threats, violence, weapons, and/or involuntary celibacy;
- (b) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (c) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC
RECORDS PURSUANT TO FEDERAL RULES OF
EVIDENCE 902(11) AND 902(13)**

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by Meta Platforms, Inc. (“Meta”), and my title is _____. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Meta. The attached records consist of _____ **[GENERALLY DESCRIBE RECORDS (pages/CDs/megabytes)]**. I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Meta, and they were made by Meta as a regular practice; and
- b. such records were generated by Meta’s electronic process or system that produces an accurate result, to wit:
 1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Meta in a manner to ensure that they are true duplicates of the original records; and
 2. the process or system is regularly verified by Meta, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date

Signature